

**REGULAR COUNCIL MEETING  
OF THE COUNCIL OF THE CITY OF BROOK PARK, OHIO  
HELD ON TUESDAY, FEBRUARY 21, 2017**

The meeting was called to order by council President Astorino at 7:00 p.m., the clerk called the roll and the following Members of Council answered:

**SCOTT, BURGIO, SALVATORE, TROYER, POWERS, MENCINI**

Also in attendance were Mayor Coyne, Law Director Horvath, Safety Director Byrnes, Service Director Mr. Cayet, Engineer Mr. Piatak, Finance Director Mr. Cingle Law Director Horvath.

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**APPROVAL OF MINUTES OF PRECEDING MEETINGS:**

1. REGULAR COUNCIL MEETING HELD ON AUGUST 2, 2016.

**Motion** by Mr. Burgio, supported by Mr. Mencini, to approve as printed.

**ROLL CALL: AYES:** Burgio, Mencini, Powers, Troyer, Salvatore, Scott.

**NAYS:** None. The motion passed.

2. SPECIAL CAUCUS MEETING HELD ON AUGUST 2, 2016.

**Motion** by Mr. Mencini supported by Mr. Burgio, to approve as printed.

**ROLL CALL: AYES:** Mencini, Burgio, Scott, Salvatore, Troyer, Powers.

**NAYS:** None. The motion passed.

3. SPECIAL COUNCIL MEETING HELD ON AUGUST 8, 2016.

**Motion** by Mr. Mencini, supported by Mr. Scott, to approve as printed.

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Salvatore, Troyer, Powers.

**NAYS:** None. The motion passed.

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**Motion** from Mr. Burgio, supported by Mr. Scott, to go out of the Regular Order of Business to Reports and Communications from Departments, Commissions and Other Public Officials.

**ROLL CALL: AYES:** Burgio, Scott, Salvatore, Troyer, Powers, Mencini.

**NAYS:** None. The motion passed.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS:**

1. METROPLEX PRESENTATION – **In attendance:** Fred Szabo, Assistant Director Department of Port Control, Cleveland Hopkins Airport. Mr. Szabo gave a presentation regarding the FAA Metroplex Program. The airport systems across the nation are being changed from the air-based

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS: (CONT.)**

ground systems to GPS systems, known as Next Generation. Mr. Szabo presented diagrams, and charts demonstrating the benefits of this new system. Cleveland and Detroit are the next two cities for the program. The FAA is trying to minimize the impact of the noise from the planes taking off and landing. The impact to Brook Park will be minimal. Public hearings will be held. An environmental impact study will be made and should be completed by late summer or early fall 2017. This system should be in place by September, 2018. There will probably be another presentation with more details by September or October 2017.

Mr. Burgio asked if after the system is installed, can we still make changes to the traffic flow? Does this have anything to do with the 115 Study that was done?

Mr. Szabo stated we think not. Once it goes live, the residents will hear the difference. But I have been assured by the FAA that the impact to this municipality will be minimal. When we have our next meeting, all of the engineers and the FAA will be here to discuss what to expect. This goes hand-in-hand with the 115 Study.

Mr. Salvatore asked do you anticipate changes to the graphs and charts that were presented tonight, before or after the next meeting.

Mr. Szabo replied it will be before. There are some draft lines on the charts. The environmental impact study could change these lines specifically.

Mr. Mencini asked why was this change made? Were the complaints mother cities? And can you please explain what you mean by environment? Is this a problem more towards other cities in us?

Mr. Szabo replied that the change wasn't made because of noise input specifically. If these flight patterns are being changed, that's going to have an impact on the environment on the ground, with carbon emissions. The EPA works with the FAA to complete the study. Yes, other cities will be more impacted than Brook Park because of the departure tracks.

Mr. Troyer asked what's the percentage on southern takeoffs versus northern takeoffs? Can I see what the changes are going to be compared to how things are currently?

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS: (CONT.)**

Mr. Szabo stated that prevailing winds are out of the west so the takeoffs from the north to the south is about 64%. When we come back in September, we will have current paths and the updated paths.

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**Motion** from Mr. Burgio to go back to the regular order of business by Mr. Troyer.

**ROLL CALL: AYES:** Burgio, Troyer, Salvatore, Powers, Mencini, Scott.

**NAYS:** None. The motion passed.

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**REPORTS OF STANDING COMMITTEES:**

Aviation & Environmental Committee – Chairwoman, Powers

Ms. Powers stated no report.

Finance Committee – (Co-Chairman, Troyer)

Mr. Troyer stated no report.

Legislative Committee – Chairman, Troyer

The Legislative Committee has no report for tonight.

Parks & Recreation Committee – Chairman, Mencini

Mr. Mencini gave a verbal report that is attached to these minutes.

Planning Committee - Chairman, Troyer

The Planning Committee has one item on tonight's agenda and encouraged all Councilmembers to suspend on this.

Safety Committee – Chairman, Salvatore

Mr. Salvatore stated no report.

Service Committee – Chairman, Burgio

Mr. Burgio stated no report.

Board of Zoning Appeals – Chairman, Scott

Mr. Scott stated no report.

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**REPORTS OF SPECIAL COMMITTEES:**

Southwest General Health Center – Trustee (Salvatore)

Mr. Salvatore stated the next meeting is scheduled for March 1st.

Berea Board of Education Committee (Burgio)

Mr. Burgio welcomed Corey Ferris from the Berea Board of Education and stated at the February 13th meeting discussions took place pertaining to the district facilities; with two design committee meetings have already taken place. The board approved the hiring of a construction manager at risk services for the new elementary school and renovation projects for the new high school. The treasurer went to New York in hopes of improving the credit

**Reports of Special Committees: (cont.)**

rating for the bonds later this month and the Brook Park Memorial students gave a presentation on the history of the Children's Garden club.

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**REPORTS OF BOARDS AND COMMISSIONS:**

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**INTRODUCTION OF RESOLUTIONS OF COMMENTATION:**

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**REPORTS AND COMMUNICATIONS FROM THE MAYOR:**

Mr. Coyne disputed statements that were made in a newsletter from Councilwoman Powers that I pay people to come to these meetings and be disruptive; there is no compensation given to anyone to attend a meeting. Mrs. Powers alleges that the Safety Director is not necessary because the Mayor has total control of the police department by Charter, the Mayor is the chief law enforcement officer of the city; and am in control of all of the departments and divisions within the city. This is done through the safety director and chiefs who are in charge of the day-to-day operations. Mrs. Powers made another allegation that the Economic Development Commissioner practices law in the city instead of economic development. Mr. Dolan is also a lawyer in a practice that he maintains and a report will be forthcoming to show that he has done a lot more than just bringing Ohio Title Loan to the city. Mayor Coyne continued grants are not given away they are awarded through legislative action and the Councilwoman and I have a fundamental difference of opinion as to whether existing businesses should be given grants by the city. Councilwoman Powers says that residents are being forced pay for their sidewalks, that's correct, residents are solely responsible for the maintenance and repair of their sidewalks. The city has been giving assistance for maintaining sidewalks rather than being cited; the residents of this city are given opportunities to participate in this program and if the third time the resident doesn't participate they are cited. Mrs. Powers suggests that the recreation center could have been done for \$2.5 million; the project is \$5.2 million to move City Hall and do the work that needs to be done. This could not be done for \$2.5 million and the contracts were done by state law that allows for the Energy Assistance Program to pay for improvements. Ms. Powers states in the newsletter that if contractors are paid thousands of dollars over the past ten years then why is everything in such a state of disrepair? In a report that I gave to you from 2011 improvements were ignored and are beyond the point of repair. There is a disclaimer on the bottom of the newsletter that it is being produced by a committee and the city has let the publication know that there are no facts in this newsletter.

**Reports and Communications from The Mayor: (cont.)**

Mr. Troyer asked when the smaller rubbish cans will be available for the seniors?

Mayor Coyne responded that will be part of the capital budget.

Mr. Mencini asked Mayor Coyne if there is any new economic development that can be reported on?

Mr. Coyne replied Mr. Dolan is going to do a thorough report of the businesses that are going to be coming to the city.

Ms. Powers commented everything that I wrote in the newsletter can be proven through Council records.

Mr. Astorino said that he has made multiple requests in December, January and February for information about the sanitation bids. This is a public record and demanded that the information be provided.

Mayor Coyne responded I can tell you that you will get the information; I apologize to you that you don't have the information.

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**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS:**

METROPLEX PRESENTATION – **In attendance:** Fred Szabo, Assistant Director Department of Port Control, Cleveland Hopkins Airport.

Fred Szabo **Note: Moved by motion to the beginning of the meeting.**

**Engineer Piatak:**

Mr. Piatak stated that there is not start date yet for the Fry Road Reconstruction Project Phase 2 and 3 that was slated to be done in 2017 and assume it will be mid to late March. In order to complete this large project in one season it should get started by mid-April or early May at the latest. The Brookdale Avenue reconstruction project started last week and as of today there is about 550 feet of eight-inch water line in the ground; residents in that area can anticipate sporadic outages. There is no word yet on when the Snow Road project will begin, ODOT (Ohio Department of Transportation) is committed to the project and have awarded the project to a contractor.

**Service Director Cayet**

Mr. Cayet stated that service crews have been keeping up with the potholes with the mild winter and have started on the catch basin repairs. Calcium deposits are being cleaned out of the sewer lines and some trees were taken down due to sewer repairs and sidewalk lifting.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS:**

Mr. Troyer stated to Mr. Cayet there a few houses over by Sheldon and Engle Roads that are connected to septic tanks and the city engineer may want to answer this question; Mr. Troyer would like to have those houses connected to the main sanitary lines.

Mr. Piatak responded the city applied to the sewer district for funding, the money is there, and accumulates up to five years; a good project will be found to utilize those funds.

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Safety Director Byrnes

Mr. Byrnes stated there has been some success in solving the armed robberies that occurred in the Snow Road area. In reference to the January 3rd Council meeting and phone calls made to the police department the first call made emanated from this room, in the back, and the police did respond. The second call did not emanate from this building but from Strongsville address and police went to the house because they were able to determine the address. The person answering the door said a text was received from someone asking to call the police. There really was no cause to call the police during this meeting; I can't say anymore because it is still under investigation.

Mr. Mencini commented the automobiles left running on Snow and Smith Roads recently were not car-jacked and due to more police presence, things have slowed down.

Mr. Salvatore asked what is the time-frame for adding more police?

Mr. Byrnes responded the time frame is usually somewhere between 90 - 120 days.

Ms. Powers said that in reference to the Council meeting where the police were called she thought it was January 17th, not January 3rd.

Mayor Coyne commented that he has total control over the police and it is about him saying that he was going to take the responsibility, so that is why I asked why do we need a safety director. The lady that was here that evening made me privy to the letter that you wrote to her somewhat apologizing to her because of the way she was treated and she and other people here that evening were in fear for her safety.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Mr. Byrnes commented it's in the past and not worth getting upset over and didn't want to cause this person any embarrassment. This person did send an apologetic email that was responded too. The fact is there were two false police reports made that night and that I tried to limit the damage to the City of Brook Park. This person did admit to me that she had no reason to do that and was recording the things that occurred.

Ms. Powers believes that the caller was right, and I myself have thought on several occasions that when we have had disruptive behavior here and police should be called to tell the troublemakers to exit the meeting.

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Law Director Horvath

Mrs. Horvath stated that at this point the city has one pending case that cannot be discussed publicly. In regards to the Council investigation I've been trying to get some names to present to Council so far as private investigators and hopes to have a letter with recommendations before the next Caucus meeting. On January 17 a memo was sent to Council Ordinance 10064-2016 and it is her opinion that Councilmembers Scott and Mencini can vote on this matter. Mrs. Horvath reported that she recently became a grandmother to a fourth-generation living in the City of Brook Park and hopes the city moves forward in attracting young families to the community.

Mr. Mencini asked with that ordinance what is the difference between any other employee working for the city and Mr. Astorino, Mr. Scott and myself.

Mrs. Horvath responded part of that is because this is a general benefit and understands the need for a letter from the Ohio Ethics Commission.

Mr. Troyer asked if there is documentation regarding the pending case?

Mrs. Horvath responded she was under the impression Council received something regarding the pending case. If Council doesn't have it, she will make sure that you have it tomorrow.

Mr. Astorino stated that he is going to recuse myself from voting; there still seems to be a gray area because of that bad filing against me in the state records. Mr. Astorino asked Ms. Ms. Horvath if she would look into some legislation that was submitted to her about the HMAP (Home Maintenance Assistance Program) so that it can be submitted with the budget.

Ms. Horvath concurred.

**REPORTS AND COMMUNICATIONS FROM DEPARTMENTS,  
COMMISSIONS AND OTHER PUBLIC OFFICIALS: cont.**

Finance Director Cingle

Mr. Cingle stated the 2017 budget and the capital proposal improvements have been updated and anticipates the budget will be completed in the next few days and submitted to the Mayor for approval, then onto City Council for their budget discussions. The 2016 audit started February 6th with auditors on-site for a week and are continuing to work off-site; the auditors should return for another on-site week in March. The bond rating review was on February 15th, and he along with the Mayor, had a conference with Fitch relating to the ratings in lieu of a sale of \$5.2 million of general obligation bonds to renovate the community center; it is anticipated that Fitch will have a decision next week. Mr. Cingle continued that tax forms have been mailed and if a resident does not receive a form please call the Finance Department. The department is testing a form to be filled out online and hope to have that on the city's website shortly. The tax department will have extended hours on March 24th, 28th and April 8th until 7:00 p.m. and on n Saturday, April 1st and April 8th from 9:00 a.m. to 12:00 p.m.

Mr. Troyer asked Mr. Cingle if the Blueline lease has been paid?

Mr. Cingle responded yes, it has.

Mr. Powers asked if the \$5.2 million-dollar bond for the recreation center has been applied for?

Mr. Cingle replied the city will issue \$5.2 million in general obligation bonds to renovate the community center. The bond rating review was on February 15th and the Fitch ratings will establish a rating for the bonds. At the end of March, the underwriter will go to market to sell those bonds.

Ms. Powers just wanted to clarify that the city asked for \$5.2 million dollars to upgrade the recreation center.

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**OTHER COMMUNICATIONS AND PETITIONS, AND VERBAL  
APPROVAL: (INTRODUCTION OF NEW LEGISLATION):**

1. An Ordinance introduced by Councilman Troyer that amends Chapter 137.01 of the Codified Ordinances. It is the salary of the Finance and Taxation Director. **Placed in Finance.**

2. An Ordinance introduced by Councilman Troyer that amends chapter 131.01 of the Codified Ordinances, dealing with the salary and expense allowance for the Mayor. **Placed in Finance.**



**MISCELLANEOUS BUSINESS, APPOINTMENTS, CONFIRMATIONS:**  
-----**REMARKS FROM THE AUDIENCE ON THE ORDINANCES AND/OR RESOLUTIONS THAT PERTAIN TO ITEMS ON THE AGENDA:**

Corey Farris

15020 Indian Creek

Middleburg Heights

Berea City School District Board of Education

Ms. Farris spoke in favor of Issue 107 and Resolution No. 21 – 2016, and stated the design committees have been set for the elementary and high schools; these groups will continue to meet over the next several months. Insurance agencies and bond rating agencies have met with to establish the district's credit rating and received an upgrade by Moody's. The district also created a bond oversight committee whose job is to monitor and report on the expenditures of the proceeds; so the process of updating our district facilities are well underway.

Joan Markusic

13911 Bellbrook.

Ms. Markusic expressed concerns with the nuisance party legislation and stated the city already has laws that make it pretty clear for everyone, and thinks it silly for Council to be spending time working on this legislation. Ms. Markusic would like to see the city addressing the laws that are in effect and start dealing with the issues the city has and how to handle them.

Tom Greenlee

15841 Paulding Blvd.

Mr. Greenlee spoke about Ordinance No. 10064-2016 and 10069-2017 that begins the Finance Director is hereby authorized to pay on behalf of all full-time employees. Then the legislation specifies, in addition the Mayor, the Finance Director, and the Law Director do the Mayor, finance director and law director fall under a different category than full-time employees?

Ordinance No. 10069-2017 refers to employees generally and applies to vacation schedules and amends legislation passed in 1997. In 1997 this city had plenty of money and bloated on benefits that would never be considered today. The city is offering all full-time employees up to six weeks of vacation and this legislation should not include the Mayor, finance director and law director; they would be covered under their own separate pay ordinances. If they are entitled to that it will be in their pay ordinance legislation not in this legislation. The city laid-off employees and are reducing benefits to employees, as well as the seniors, and in the process taking money and giving it to government employees, this is the exact opposite of what should be occurring.

**Remarks from the audience on the Ordinances and/or Resolutions that pertain to items on the agenda. cont.**

Mr. Greenlee continued another ordinance that should be considered is 153.021 that deals with employees that have ten or more years of service to be paid in cash for the medical payments. The legislation specifies that one-half of the eligible time of 1,248 hours would be paid out as a retirement benefit when an employee leaves the city. The state pays out as a part of their benefit at a rate of 25% and the city is authorizing 50%. Also under 153.021 letter D it states notwithstanding any other provisions in this section an employee that receives sick leave compensation upon retirement pursuant to subsection A shall also be entitled to a sick leave bonus payment; that compensation should be reduced to 25% which would match the state payout. This would be a considerable amount of money the city would be able to retain and suggested that section D be stricken. Mr. Greenlee continued there are other sections that deal with holidays that are being modified and the major change is the birthday and personal time of 16 hours. The last time the Mayor's salary was reviewed he no longer receives every benefit given to every full time employee of the city and according to the Constitution of Ohio an elected official cannot have his salary remuneration reduced during his term of office. The Mayor's salary will have to be reviewed at least 30 days before the filing deadline in June so that can be properly applied before being sworn in; with Council passing a salary schedule by the end of May to accomplish this. In the 2013 - 2014 CAFR, under the administrations discussion, it indicated that one of the major problems that the city had was employee benefit payouts. Also in section there is mention of a Wage Salary Benefit and Contract Review Committee. This review committee should consist of Councilmembers and the Council President, who are part of the committee, and that Committee should advise and be aware of what is happening with the unions negotiations process. T and their negotiating process; under section E this should be a call of the Mayor when the committee should meet and a simple amendment could say at the call of the Mayor, the Council President, or three members of Council, the Council should not delegate this power to the Mayor. Under 10064-2016 - hospitalization benefits Mr. Greenlee read the amended version of the legislation and disputed the fact that a lawyer should become a full-time employee of the city, taking the city's hospitalization benefits and still maintain their own private practice without having to supply their own hospitalization benefits.

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**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING):**

1. ORDINANCE NUMBER 10069-2017, AMENDING CERTAIN SECTIONS OF CHAPTER 153 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED 'EMPLOYEES GENERALLY,' AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to place on the next Caucus agenda.

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Mrs. Powers commented that she would like to further review this legislation.

Mayor Coyne stated that all this ordinance does is afford appointed officials and those designated by ordinances to receive the same benefits as service workers, police officers, and firefighters, there is no difference. This ordinance was put into effect a long time ago when the city had money and that is no longer the case; Council has the ultimate authority on the purse strings and wish the Council would set an agenda before going into negotiations, there is no reason not to move it to second reading.

Mr. Troyer stated it is Council's job to make sure the legislation is correct and discussed at a Caucus meeting, so that amendments can be made prior to second reading.

The clerk called the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to place on the next Caucus agenda.

**ROLL CALL: AYES:** Troyer, Powers

**NAYS:** Mencini, Scott, Burgio, Salvatore. The motion failed with a vote of 4-1.

2. RESOLUTION NO. 3-2017, GRANTING A CONDITIONAL USE PERMIT TO OPERATE LUXURY MOTORS AT 13501 BROOKPARK RD. IN A U7-D DISTRICT AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**Motion** by Mr. Troyer, supported by Mr. Mencini, to suspend.

**ROLL CALL: AYES:** Troyer, Mencini, Powers, Scott, Burgio, Salvatore

**NAYS:** None. The motion passed

**Motion** by Mr. Troyer to adopt, supported by Mr. Mencini

**ROLL CALL: AYES:** Troyer, Mencini, Powers, Scott, Burgio, Salvatore

**NAYS:** None. The motion passed

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): cont.**

3. RESOLUTION NO. 4-2017, URGING FIRST ENERGY TO CONTINUE HEALTH CARE COVERAGE FOR RETIREES OF THE UTILITY WORKERS UNION OF AMERICA OF THE CLEVELAND AND ASHTABULA DIVISION AND DECLARING AN EMERGENCY. Introduced by Council President Astorino.

**Motion** by Mr. Troyer, supported by Mrs. Powers, to suspend.

**ROLL CALL: AYES:** Troyer, Powers, Mencini

**NAYS:** Scott, Burgio, Salvatore. The motion failed with a vote of 3-3.

Resolution No. 4-2017 has had its First Reading.

4. RESOLUTION NO. 5-2017, IN SUPPORT OF THE AEROZONE ALLIANCE CONSORTIUM AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne, Councilmembers Troyer, Mencini, Powers, Scott, Burgio, Salvatore and Council President Astorino.

**Motion** by Mr. Troyer, supported by Mr. Scott, to suspend.

**ROLL CALL: AYES:** Troyer, Scott, Mencini, Powers, Burgio, Salvatore

**NAYS:** None. The motion passed

**Motion** by Mr. Mencini, supported by Mr. Burgio, to adopt.

**ROLL CALL: AYES:** Mencini, Burgio, Scott, Powers, Troyer, Salvatore

**NAYS:** None. Adopted.

2. RESOLUTION NO. 6-2017, IN SUPPORT OF UNIQUE ENTERPRISES, INC. APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT FOR A GRANT TO PERFORM AN ENVIRONMENTAL IMPACT STUDY FOR PROPERTY, LISTED BY THE CUYAHOGA COUNTY FISCAL OFFICER AS 6090 W. 130<sup>TH</sup> ST., PPN 344-24-121 AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Resolution No. 6-2017 has had its First Reading.

3. RESOLUTION NO.7-2017, IN SUPPORT OF MNA PROPERTIES, II, LLC AND THE CITY APPLYING WITH THE CUYAHOGA COUNTY DEPARTMENT OF DEVELOPMENT AND/OR THE STATE OF OHIO BUREAU OF UNDERGROUND STORAGE TANK REMOVAL (BUSTR) FOR GRANT FUNDS TO PERFORM AN ENVIRONMENTAL IMPACT STUDY AND/OR TO UNDERTAKE ENVIRONMENTAL REMEDIATION OF THE PROPERTY KNOWN AS 6286 ENGLE RD., PPN 342 - 09 - 011 AND TO TAKE ALL FURTHER NECESSARY ACTION TO REMEDIATE THE PROPERTY AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

**INTRODUCTION OF ORDINANCES AND RESOLUTIONS: (FIRST READING): cont.**

**Motion** by Mr. Troyer, supported by Mr. Mencini, to suspend.

**ROLL CALL: AYES:** Troyer, Mencini, Scott, Powers, Burgio, Salvatore

**NAYS:** None. The motion passed

**Motion** by Mr. Burgio, supported by Mr. Mencini, to adopt.

**ROLL CALL: AYES:** Burgio, Troyer, Mencini, Powers, Scott, Salvatore

**NAYS:** None. The motion passed

**Motion** to by Mr. Troye, supported by Mr. Burgio, to reconsider Resolution No. 6-2017.

**ROLL CALL: AYES:** Troyer, Burgio, Mencini, Scott, Powers, Salvatore

**NAYS:** None. The motion passed

**Reconsideration of Resolution No. 6-2017.**

**Motion** by Mr. Mencini to suspend, supported by Mr. Troyer.

**ROLL CALL: AYES:** Mencini, Troyer, Scott, Powers, Burgio, Salvatore

**NAYS:** None. The motion passed

**Motion** by Mr. Troyer to adopt, supported by Mr. Burgio

**ROLL CALL: AYES:** Troyer, Burgio, Mencini, Powers, Scott, Salvatore

**NAYS:** None. The motion for reconsideration of Resolution 6-2017 has passed under Suspension of the Rules. Adopted.

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**SECOND READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NUMBER 10067-2017, AMENDING SECTION 1805.01 (2) (A) AND (B) OF THE BROOK PARK CODIFIED ORDINANCES COLLECTION AT SOURCE; WITHHOLDING FROM QUALIFYING WAGES AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

Mr. Troyer asked Mr. Cingle if this is a time-sensitive issue.

Mr. Cingle responded if Council deems this to go to third reading that's fine.

Mr. Astorino stated Ordinance No. 10067-2017 has had its Second Reading.

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**THIRD READING OF ORDINANCES AND RESOLUTIONS:**

1. ORDINANCE NO. 10062-2016, ENACTING SECTION 509.15 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED, 'PROHIBITING NUISANCE PARTIES' AND DECLARING AN EMERGENCY. Introduced by Council President Astorino, Councilmembers Troyer, Powers, McCormick, Mencini, Burgio and Mayor Coyne.

**THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**

**Motion** by Mr. Troyer, supported by Mr. Troyer, to adopt.  
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Mr. Scott stated that according to a conversation with police chief Foster it was recommended using this as a tool in the department's toolbox. This legislation is more specific as to enabling the police to act against the homeowner; as it is right now there is a lot of leeway as to what can and can't be done to the homeowner. Chief Foster stated that in the past six years the department might have used this legislation one time and also false calls being made there are a number coming from the Fairlawn area and that those calls will be closely monitored.

Mr. Mencini asked the Safety Director where is the jurisdiction on the number of false calls that can be made?

Mr. Byrnes responded the police use discretion with these types of things; a party at 1:00 p.m. is very different than a party at 1:00 a.m. and it is the intention of the police to keep peace by talking to the residents. If someone is overusing the system by making false reports the department will meet with the law department and take some kind of action, there is no specific number of calls.

Ms. Powers stated that yes, this came about because of the incident on the West End and also on West 151<sup>st</sup> St. in my ward that has ongoing problems.

Mayor Coyne stated that this piece of legislation is not specific to anything and it's important to note. That this legislation does not solve differences between neighbors; nor does it provide the answer for inconsiderate behavior. Please try to be considerate of your neighbors and any false call could merit a charge against you.

Mr. Troyer said that the police chief spoke on this last year and was in favor of this legislation; it fits a void in current legislation.

Mr. Astorino commented about the incidents last August, there were 300 or more people walking around the neighborhood and the people who live in that neighborhood don't think it's silly for Council to be working on this legislation. One of the things that the police chief liked about this legislation was that it makes the homeowner responsible. I worked with the law director to find other ordinances that are similar to this and this is what we came up with and worked through the process. In an earlier party at this residence the police reported over 500 people at that party that was actually disruptive to three streets because of people walking around, many, many cars going through the neighborhood, parking problems and fights occurring.

**THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**

Having this and having homeowners understand that they are responsible for this that they won't have hundreds of kids coming to their house.

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The clerk read the roll on the motion by Mr. Troyer, supported by Mrs. Powers, to adopt.

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**ROLL CALL: AYES:** Troyer, Powers, Burgio, Mencini, Scott, Salvatore  
**NAYS:** None. Ordinance No. 10062-2016 passed under Third Reading. Adopted.

- 2. ORDINANCE NO. 10064-2016, AMENDING CHAPTER 153.06 OF THE BROOK PARK CODIFIED ORDINANCES ENTITLED, PAYMENT OF HOSPITALIZATION BENEFITS AND DECLARING AN EMERGENCY. Introduced by Mayor Coyne.

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Mr. Astorino recused himself from the Chair.

Mrs. Powers asked how this will affect they city's payroll.

Mr. Cingle responded that it would not impact the payroll at all, it will decrease the payout to the retirees.

Mayor Coyne stated the legislation was reviewed and up until this year retirees could receive up to \$400 a month in hospitalization benefits. By reducing benefits it's a substantial savings to us; so the city had to figure out what can be done to supplement retirees' benefits so that they have the ability to have some payment towards their Medicare Part B; once retirees hit 65 their spouses will have this benefit.

Mr. Troyer asked Mr. Cingle about previous negotiations?

Mr. Cingle responded there were some individuals that in a previous negotiation were grandfathered into receiving the benefit of up to \$400 per month reimbursement for themselves and for their spouse. The cost to the city was about \$300,000 and under this new proposal, at a very rough estimate, will cost the city about \$100,000. As the individuals and their spouses pass on the \$300,000 cost will sunset.

**Motion** by Mr. Scott to adopt, supported by Mr. Burgio

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Mr. Troyer stated this is a badly written piece of legislation, and a giveaway.

**THIRD READING OF ORDINANCES AND RESOLUTIONS: cont.**

Mayor Coyne commented that the Councilman's argument has no basis in fact, it was negotiated. The unions made a choice and determined they were interested in their compensation; all employee benefits cost the city something and it will fix the cost.

Ms. Powers concurred with Mr. Troyer.

The clerk called the roll on the motion by Mr. Scott, supported by Mr. Mencini, to adopt.

**ROLL CALL: AYES:** Scott, Burgio, Mencini, Salvatore

**NAYS:** Troyer, Powers Ordinance No. 10064-2016, passed under third reading. Adopted.

3. RESOLUTION NO. 21-2016, URGING THE BEREA CITY SCHOOL DISTRICT TO BUILD A NEW HIGH SCHOOL ON THE CURRENT SITE OF FORD INTERMEDIATE SCHOOL AND DECLARING AN EMERGENCY.  
Introduced by Councilman Mencini.

**Motion** by Mr. Mencini to adopt,

**ROLL CALL: AYES:** None

**NAYS:** Mencini, Scott, Burgio, Salvatore, Troyer, Powers

The motion failed. Resolution No. has been defeated.

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**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

Lavaine Cates

15499 Remora

Ms. Cates asked Mr. Astorino why he decided to run for an elected position on Brook Park Council. I listen to how you say that you can speak to all people because you are a strong leader. All that I've seen in my opinion is that you have created more of the divide. There is complete dysfunction in meetings under your control. I know you were a firefighter, and a union president (NOFF) and I see the passion that you have for the firefighters; the city has some awesome firefighters. You are so biased that you take any simple negative comment overboard. I commend you for your passion about the firefighters, but it's taken over as an obsession. When you ran for office you needed to separate yourself from the union and the firefighters and should be able to discuss legislation without the firefighters' contracts; you have recused yourself on occasion. Why didn't you resign before running? On August 2, 2016, minute mark 32:12 you stated your term was finished with NOFF and there should be no conflict of interest. That same night, President Astorino, against the advice of Assistant Law Director Sackett,



**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.**

read legislation into the record introduced by Councilmembers Troyer, Powers and McCormick for the NFPA legislation. Will you please explain to the residents of Brook Park how it is that on May 25, 2016, you signed off as union president in Ravenna on a fact-finding report. Can you explain how you did a fact-finding report in the city of Wickliffe that took place last year and just ended this year, January 3, 2017; this latest report has your name that you represent the NOFF. How is this the transparency that you ran your election on? This is deception. You are also the statutory agent of the NOFF. According to a website called Mission Envision, which reports on nonprofits, you receive a paycheck from the NOFF. I refer to it as a paycheck, because what you pay yourself is approximately at the amount a lot of Brook Park residents make annually. In 2013, you paid yourself \$29,401, in 2014, you paid yourself \$30,201 and in 2015 you paid yourself \$30,601; no wonder you can afford to be so generous with your donations and be against city employees who want pay raises. There is also an issue with the AFL-CIO where you are on the Executive Board. Let me explain to everyone why being on Council and then participating in contracts that benefit an individual, is a conflict of interest per the Ethics Commission. By recusing yourself you show intent and knowledge that you are aware of the ramifications. If the law director and safety director would please look into this mess it would be appreciated; if it is not investigated, it would be detrimental to the residents of the City of Brook Park. Ms. Cates asked for Council President Astorino to step down or resign until an investigation can be completed.

Brandy Reynolds  
6060 Middlebrook Blvd.

Ms. Reynolds stated once again the resident on Facebook said that the livestream is being tampered with by either me or Brandon. It has been said that we are "We are editing the live feed" and is now being said it is "a nasty attempt to keep people from seeing what is going on and need those running the live stream to be non-partial and run the machine without any interference". I want to ensure the residents that we are not and cannot edit the livestream and are not trying to keep people from seeing the meetings. If anything we go the extra mile if the equipment is not running, we are using Facebook live with our own cell network that gets posted to multiple Facebook pages when problems occur. We explain everything and post a link on Facebook live so that everyone can see; unfortunately, we are blocked by some people. This is not a normal TV station where we have extra parts, if something is needed, there are no extra parts on the shelf. We have to go through a chain of people before we can get the part that's needed. We are always open to answering questions, but it is discouraging when we have someone like this saying something that is completely untrue.

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER: cont.**

Mike Vecchio

14417 Park Drive

I am taking Councilman Troyer's challenge and entered this cage or ring to address the Council, the Mayor, the Administration and the taxpayers of the city on a few items of concern. I've been accused by a minority obstructionist on the Council of being a paid disruptor for the Mayor. Seeing that I'm being accused of this and you are responsible for the approval of all salaries please answer a few questions for me. First, when will I be receiving my paycheck? Will taxes be withheld or will I be receiving a 1099? How is vacation accrued? As it stands the federal tax forms are late and I don't want to be penalized. So I took a guess how much the tax would be and I came up with zero dollars. Why? Because what is being spread by the obstructionist within our city by a perceived friends of family benefit are nothing more than an attempt to detract away from the real issues that the city is currently facing. The first issue is the verbal and written statements of Council President Astorino and Councilwoman Powers. You both stated this year that the upgrades to the Recreation Center can be completed for \$2.5 million. Can either of you tell me how this is possible? To refute your claims on February 13, 2007, the cost to upgrade this facility was \$3.5 million as estimated by RCU Architects. Taking into consideration the cost of inflation for this ten-year span another \$871,000 can be added to that cost which would raise that initial estimate to \$4.3 million. Yet the two of you have no architectural background and have told the city residents that it can be done for less; your statements are gross misleading attempts to mask your attempts in seeing the demise of the recreation center. Issue number two in the November 2016 issue of Councilwoman McCormick's Hometown News there is an article entitled the Council President message paid for by the friends of Mr. Astorino that states families see one way to run the government, their way. The Mayor apparently wants things done his way or take the highway and his supporters are helping him in this fight. They seem to be less interested in what's good for this community than what's in their own best interest. Did you not on August 16th shut off the microphones in an attempt to silence the Assistant law director and Members of Council before walking off the dais to sit in the back room until after 12:00 midnight so as to prohibit a special meeting of Council from taking place. Have you not attempted to silence members of the audience including myself, the law director and Members of Council on multiple occasions by turning off the microphones, is this not a show of my way or the highway? Issue number three in the April 2016 edition of the Hometown News you stated my pledge to the community was to provide a City Council that will work harder, work smarter, and work together; of the three items listed, you failed on two out of the three. The one you have been successful in achieving is working harder. Prior to your election, Members of Council spent an average of two

**REMARKS FROM THE AUDIENCE ON ANY SUBJECT MATTER:**

hours every other week completing the tasks that they were presented with and in your term have managed to average over three hours of meetings per week. You have gone from inheriting a meeting schedule that consist of approximately 60 hours to chairing meetings that surpass 150 hours; nearly tripling the time spent to complete less meaningful work, working longer is not indicative of a person working smarter. A divided team indeed fails in its goals and the goals for Council should be what is best for the City of Brook Park.

Tom Greenlee

15841 Paulding Blvd.

I would like to clear up the cost of the recreation center renovation, the first meeting the Mayor held included the provision of the cost of the Energy Conservation Project for a cost of \$4,300,000. That has since been increased by \$565,000 because the city has added the roof of the pool area that brings the cost to \$4,970,000. In that contract was the figure of \$3.1 million assigned to moving City Hall and City Council that has nothing to do with the renovating of the recreation center. If you deduct the \$3.1 million from the total you get about \$1.85 million as the cost to renovate the recreation center with that \$1.85 million cost to renovate the city could pay cash.

Carol Baldsary (not sure of spelling not referenced in poll book)

6415 Michael Drive.

Ms. Baldsary stated Mr. Greenlee comments are in error when said that there are no services for senior citizens, there is grass cutting and snowplowing.

Susan Booker

13855 Franklyn

Ms. Booker stated the definition of being a leader is independent thinking and working together. Do your due diligence instead of receiving the agenda on Thursday or Friday, be prepared; you know what's coming. To go through what you all went through tonight for three hours is painful. As a lifelong citizen of Brook Park, I believe that I am owed an apology from a Councilperson. I attended a meeting for the first time in January, was part of the audience when the Brook Park Police came in and the comments that were made. I didn't want to waste any more of my time and went home and continued to watch the live stream. The comments that were made by Councilpersons, I am owed an apology as a citizen of Brook Park. As a citizen I expect respect and appreciate the services that the city provides. There have been comments lately about a breakfast at Redeemer Lutheran Church and the individual sponsoring that, fantastic, but then there are

**Remarks from The Audience On Any Subject Matter: (cont.):**

Councilmen sitting here that are sponsoring an epidemic crisis here in the United States, heroin and opiates. I expect every single one of you to be in attendance, my son is an addict, there is an epidemic out there. When this started five years ago there were no resources, does anybody know that one in four persons on any street is an addict. On a great note my son has recovered and is creating a national nonprofit for children that are affected by heroin. Help is needed in the communities with this epidemic and thank you for moving ahead with the recreation center and for those bonds. If someone can find out how to spend that \$1.8 million I would like to see those plans. This city is moving forward with the recreation center, it should not be debated. I will await an apology from the form of slander and derogatory statement. I was quoted in the Plain Dealer and people saw me on live stream and saw what happened here and think that I am a part of this horrible nasty group of citizens. We elected you, we pay you and provide your benefits; you should be responding to us in a civil and logical manner.

Johanna Hambrick

355 Front Street, Berea, Ohio

Ms. Hambrick stated in an undercover U-tube video I saw there were attacks and most were libelous. I recalled a situation from 2011 when I was friends with some of the elected officials here today and received a phone call that asked me to attend, undercover, a fundraiser at Harpo's in Brook Park for a man that was running for Ward 2 at the time. The phone call went into the details of me taking photography, I wasn't keen on the idea.

Mr. Astorino advised Ms. Hambrick that she should be talking about legislative matters, not personal or private citizen issues and stated she was out of order.

Ms. Hambrick continued stating that she is combating a video of her at a meeting in January and looking at what happened in 2011; six years ago Councilwoman Powers. My point is that I was given money to go to Harpo's and take photos of this person that I didn't know. I am disturbed that as a Berea resident I've lost a job over this and find it very disturbing that someone in this chamber is filming someone outside. I know I'm being filmed right now and it's not legal in the State of Ohio. If Councilwoman Powers were to record us talking with neither of us knowing that we were being recorded that's not legal. I know what goes on and I sacrificed a lot to speak my mind. The next time I come I will submit the emails and all of the photos of the fundraiser I attended and want to apologize to him, it wasn't ethical to do that.

**Motion** by Mr. Mencini to address the audience, supported by Mr. Scott.

**ROLL CALL: AYES:** Mencini, Scott, Burgio, Salvatore, Troyer, Powers

**NAYS:** None. The motion passed.

Mr. Mencini addressed Mrs. Booker by saying one out of four it probably goes deeper than that. Mr. Mencini commended Mrs. Booker for speaking on personal issue so close to her. Mr. Mencini stated to Mrs. Reynolds that her and Brandon do a good job with the livestream and is a good function for the city to have. Mr. Mencini thanked Carol for speaking on the city's services.

Mr. Scott commended Mrs. Reynolds on the great job with the livestream. and to Mrs. Booker enjoyed your phone call, will try and hook your son up with someone here that can help with his program If anyone wants to know why there are only two Council people working on this program please talk to me, I will tell you why. Councilman Salvatore and I were accused of using this as a political football and that is the furthest from the truth, this is not a political football. To Ms. Hambrick you speak your mind from the heart.

Mayor Coyne thanked the citizens for speaking tonight and stated and addressing your concerns and stated I responsible for everything that goes wrong in the city and think that we have moved things in the right direction. A dialogue and open communication is needed and here this evening is what's been going on for the past three years. It's an attempt by an individual who is a resident who has a right to express their opinion trying to control the process. What you are seeing here is a majority members of Council that aren't being intimidated by that and suggest to the city that no matter who runs for election this year challenge that. You are seeing Council people going out and attacking real problems in the city such as the problem with opiates in our city and other cities surrounding us. I agree with the Council President that things have to be orderly but do it respectfully. On the subject of the investigative media that we have, while I haven't given anyone permission to video me, I'm not afraid to say what I want to say. There is a problem with the city that is festering like a cancer that has to be addressed. Mrs. Reynolds and her husband do a very good job and it is appreciated; I hope our communication system will improve when we get to the recreation center. I'm advising her and everyone else please get off of Facebook have your debates and discussions here or wherever you meet people that live in this town. All you have on Facebook is a feeding frenzy and it's a waste of dialogue; most of what shows up on Facebook is folks that are talking about things that they don't have a clue what they are talking about. For instance, we have tonight concerns about retirees from a utility that I don't think the city has any business getting involved with; those people should go back to the bargaining table to get the issue addressed. As for city employees none are treated any different from any

**Remarks from The Audience On Any Subject Matter: (cont.):**

other class of city employee; the salaries and benefits for the city's police officers, fire personnel and service workers are not unusual; they are basically the same as everybody else. If examined, it will be seen that the people supervising them get paid less and there is a price to pay for services no matter where you go. I saw a post today that we were the ninth worst community in the region, nothing could be further from the truth, the median value of a house is about \$114,000. This group is not going to work together there are diversely differing views about how the city should be operated

Mr. Astorino stated that all comments are encouraged here and when talking earlier about legislation that the Mayor introduced and about it being fair; he doesn't think so about the utility workers. I received a phone call from utility workers, thanking us for putting this out there; they need the support. Some of the questions that were asked of me were of a personal nature, and some taking what they consider a fact and applying it to nothing that is based in fact. So when the Mayor said that some of the comments were nothing further from the truth, my response is to the questions that were asked of me, are the same statement that I make on Facebook when I hear these things. I do not want to debate you in a public format and understand the motivation that people have for it, it's misguided. Fairness is not a standard that the Mayor has been known to apply in the past and is not applying it in the future. As far as who is in control, that item where the Mayor is trying to eliminate the committee, he is trying to take control away from the Council on how money is spent and can't justify it. If you look at a recent ruling from an arbitrator who said the city's actions were wholly irresponsible and vindictive in nature; Council had no idea that any of this was going on because we weren't being informed of things. As I said earlier I have asked for information from the Mayor and he refuses to give it to me and stated he doesn't have to give it, I can't demand it from him. Which is an actual violation of the Sunshine Law and the Public Records Act and this is done on a regular basis. Fairness has nothing to do with this from the Mayor's side and doesn't think the rules apply to him. He also doesn't think the Council rules apply to him yet he joins in Council meetings; it's about having three equal branches of the government not being run by one person.

Ms. Powers asked Mayor Coyne wasn't Mr. Greenlee's paper the same paper you advertised when running for election? How well did you support that paper?

Mayor Coyne commented I thought this was for audience participation and stated I bought ads in many publications just as you do.  
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Motion by Mr. Mencini, supported by Mr. Burgio, to adjourn.

**ROLL CALL: AYES:** Mencini, Burgio, Scott, Salvatore, Troyer, Powers

**NAYS:** None. The motion carried

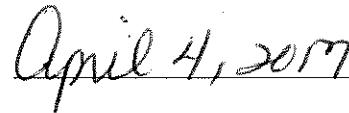
There being no further business to come before this meeting Council President Astorino declared the meeting adjourned at 10:52 PM.

RESPECTFULLY SUBMITTED



Michelle Blazak  
Clerk of Council

APPROVED



THESE MEETING MINUTES APPROVED BY BROOK PARK CITY COUNCIL ARE A SYNOPSIS, NOT TRANSCRIBED IN THEIR ENTIRETY, ALTHOUGH ACCURATE.

